

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00315-TNM

NATURAL RESOURCES DEFENSE COUNCIL, INC. v.
 UNITED STATES ENVIRONMENTAL PROTECTION
 AGENCY et al

Assigned to: Judge Trevor N. McFadden
 Cause: 05:552 Freedom of Information Act

Date Filed: 02/07/2019

Jury Demand: None

Nature of Suit: 895 Freedom of
 Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**NATURAL RESOURCES DEFENSE
 COUNCIL, INC.**

represented by **Rebecca Hammer**
 NATURAL RESOURCES DEFENSE
 COUNCIL
 1152 15th Street, NW
 Suite 300
 Washington, DC 20005
 (202) 513-6254
 Email: rhammer@nrdc.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES
 ENVIRONMENTAL PROTECTION
 AGENCY**

represented by **Johnny Hillary Walker , III**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2575
 Fax: (202) 252-2599
 Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES ARMY CORPS OF
 ENGINEERS**
TERMINATED: 04/10/2019

represented by **Roberto Cesar Martens , Jr.**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2574
 Fax: (202) 252-2599
 Email: roberto.martens@usdoj.gov
TERMINATED: 04/25/2019

Defendant

**UNITED STATES DEPARTMENT OF
 JUSTICE**

represented by **Johnny Hillary Walker , III**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/07/2019	<u>1</u>	COMPLAINT against UNITED STATES ARMY CORPS OF ENGINEERS, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5934421) filed by NATURAL RESOURCES DEFENSE COUNCIL, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit

		E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Civil Cover Sheet, # <u>10</u> Summons EPA, # <u>11</u> Summons Army Corps, # <u>12</u> Summons DOJ, # <u>13</u> Summons AG, # <u>14</u> Summons USAO)(Hammer, Rebecca) (Attachment 9 replaced on 2/7/2019) (zef,). (Entered: 02/07/2019)
02/07/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATURAL RESOURCES DEFENSE COUNCIL, INC. (Hammer, Rebecca) (Main Document 2 replaced on 2/8/2019) (zth). (Entered: 02/07/2019)
02/07/2019		Case Assigned to Judge Trevor N. McFadden. (zef,) (Entered: 02/07/2019)
02/07/2019	<u>3</u>	SUMMONS (5) Issued Electronically as to UNITED STATES ARMY CORPS OF ENGINEERS, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 02/07/2019)
02/25/2019	<u>4</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Walker, Johnny) (Entered: 02/25/2019)
02/26/2019	<u>5</u>	NOTICE of Appearance by Roberto Cesar Martens, Jr on behalf of UNITED STATES ARMY CORPS OF ENGINEERS (Martens, Roberto) (Entered: 02/26/2019)
02/26/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/19/2019. Answer due for ALL FEDERAL DEFENDANTS by 3/21/2019. (Attachments: # <u>1</u> Exhibit A)(Hammer, Rebecca) (Entered: 02/26/2019)
02/26/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/19/2019. (Attachments: # <u>1</u> Exhibit A)(Hammer, Rebecca) (Entered: 02/26/2019)
02/26/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ARMY CORPS OF ENGINEERS served on 2/19/2019; UNITED STATES DEPARTMENT OF JUSTICE served on 2/19/2019; UNITED STATES ENVIRONMENTAL PROTECTION AGENCY served on 2/25/2019 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Hammer, Rebecca) (Entered: 02/26/2019)
03/21/2019	<u>9</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.(Walker, Johnny) (Entered: 03/21/2019)
03/21/2019		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before April 22, 2019. Signed by Judge Trevor N. McFadden on 03/21/2019. (lctnm2) Modified on 3/21/2019 to edit year(hmc). (Entered: 03/21/2019)
03/21/2019		Set/Reset Deadlines: Joint Status Report due by 4/22/2019. (hmc) (Entered: 03/21/2019)
04/10/2019	<u>10</u>	STIPULATION of Dismissal <i>Regarding Defendant United States Army Corps of Engineers</i> by UNITED STATES ARMY CORPS OF ENGINEERS. (Martens, Roberto) (Entered: 04/10/2019)
04/10/2019		MINUTE ORDER. Upon considering the parties' <u>10</u> Stipulation of Dismissal as to Defendant United States Army Corps of Engineers, it is hereby ordered that the Corps is terminated as a defendant in this action. The Plaintiff's action against the Corps is dismissed with prejudice under Federal Rule of Civil Procedure 41 and the terms of the Stipulation. This action will therefore continue with the Environmental Protection Agency and the Department of Justice as the only defendants. Signed by Judge Trevor N. McFadden on 04/10/2019. (lctnm2) (Entered: 04/10/2019)

04/22/2019	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Walker, Johnny) (Entered: 04/22/2019)
04/23/2019		MINUTE ORDER. Upon considering the parties' <u>11</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before May 22, 2019. The Joint Status Report shall update the Court on the Defendants' processing of the Plaintiff's request and inform the Court how the parties wish to proceed in this matter. Signed by Judge Trevor N. McFadden on 04/23/2019. (lctnm2) (Entered: 04/23/2019)
04/24/2019		Set/Reset Deadlines: Joint Status Report due by 5/22/2019. (hmc) (Entered: 04/24/2019)
04/25/2019	<u>12</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. Attorney Roberto Cesar Martens, Jr terminated. (Walker, Johnny) (Entered: 04/25/2019)